

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)
Plaintiff,) NO. CR-08-2018-RHW-1
v.) ORDER GRANTING MOTION TO
FRANCISCO ALMAGUER,) EXPEDITE **(CT REC 104)** AND
Defendant.) DENYING MOTION FOR
) RECONSIDERATION OF BAIL
) **(CT REC 106)**

On October 8, 2008, this court held a bail review hearing. Jane Kirk appeared for the government and the defendant was present with counsel George Trejo.

The defendant moved the court to reconsider detention and requested the release of defendant on conditions stating there are conditions which would assure defendant's appearance as required. The defendant moved for this issue to be heard on an expedited basis. The court granted defendant's motion for expedited hearing (Ct. Rec. 104).

The government argued there are no conditions or change in circumstance which justify reconsidering bail.

The issue of detention has been before this court three times. While the Court is sympathetic with defendant's circumstances concerning his wife's illness and defense counsel has made other property available for bond, the real issue remains that while defendant was on supervised release he was involved in distribution of illegal drugs with intent to deliver and he has a

1 significant criminal history. Additionally, defendant is under
2 indictment in the District of Oregon which has not been resolved.

3 The Court finds that the government has established
4 presumption which has not been overcome and the defendant is a
5 flight risk by a preponderance of the evidence.

6 The Court **denied** defendant's motion for reconsideration (**Ct**
7 **Rec. 106**).

8 **IT IS SO ORDERED.**

9 DATED this 8th day of October, 2008.

10
11 s/ James P. Hutton
12 JAMES P. HUTTON

13 United States Magistrate Judge